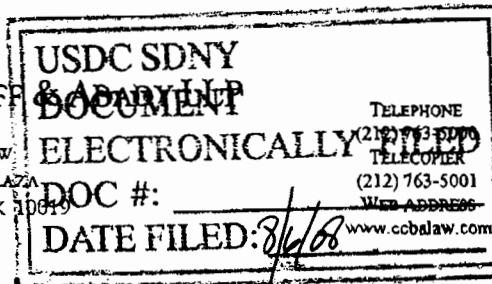
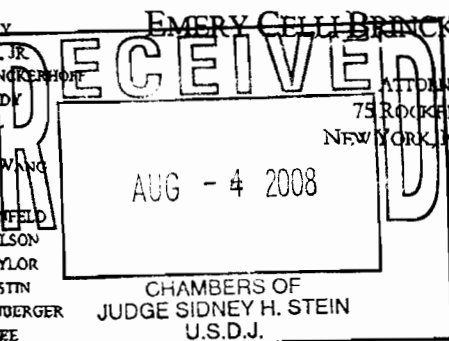


RICHARD D. EMERY
ANDREW G. CELL JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSCHFIELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN
DEBRA L. GREENTUERGER
ELORA MUKHERJEE

EMERY CELL BRINCKERHOFF & ADAR LLP
ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10019



August 4, 2008

By Facsimile No. 212-805-7924

The Honorable Sidney H. Stein
United States District Judge
500 Pearl Street, Room 1010
New York, NY 10007

MEMO ENDORSED

Re: *Hardy, et al. v. Fischer, et al.*, 08 Civ. 2460 (SHS)

Dear Judge Stein:

This firm, along with co-counsel, represents plaintiffs in the above-referenced class action. We write to update the Court on developments (or lack thereof) concerning plaintiff Ramone Cross.

As the Court knows, defendants have issued an arrest warrant for named plaintiff Ramone Cross based solely on an alleged violation of post release supervision ("PRS") that occurred years *after* Mr. Cross had completed his entire lawful PRS sentence. At the court conference on Tuesday, July 29, 2008, the Court directed defendants to ensure that, until the preliminary injunction motion is decided, Mr. Cross will not be arrested on that arrest warrant. The Court further directed the parties to communicate about this matter and to inform the Court about whether an order would be necessary to ensure that the arrest warrant would be temporarily suspended.

Immediately following the court conference, plaintiffs' counsel requested that defense counsel call us within one or two days to discuss the arrest warrant for Mr. Cross. Late on Thursday, July 31, 2008, Mr. Keane left a message for plaintiff's counsel, Mr. Brinckerhoff, to discuss this matter. I returned Mr. Keane's phone call early on Friday morning, but he did not return my phone call that day.

Mr. Keane called me this morning. During our conversation, he stated that defendants *will not* suspend the arrest warrant for Mr. Cross, which is based solely on the alleged PRS violation, pending the Court's decision on the preliminary injunction motion. I explained to Mr. Keane that defendants' position was clearly at odds with the Court's July 29 instructions. Mr. Keane, nevertheless, maintained the same position.

8/5/08
The arrest warrant for plaintiff
Ramone Cross for violation of Post
release supervision that may have
been imposed unlawfully is being
suspended pending the determination of the
preliminary injunction motion in this action which is due for
judgment.
So ordered.
Sidney H. Stein
U.S.D.J.

EMERY CELLI BRINCKERHOFF & ABADY LLP
Page -2-

Given defendants' recent redoubled efforts to effectuate Mr. Cross's arrest and defendants' position that they will not suspend that arrest warrant – despite the Court's explicit instructions on July 29, 2008 – we respectfully request that the Court immediately issue an order prohibiting defendants from arresting Mr. Cross on solely the alleged PRS violation until the Court issues a decision on the pending preliminary injunction motion.

It is now more clear than ever that Mr. Cross will be unlawfully arrested at any moment.

Respectfully submitted,



Elora Mukherjee (EM 0921)

c. Michael Keane, Esq. (by fax (212.416.8550))